

TEC/WG Tribal Issues Topic Group Conference Call Summary February 24, 1999

Participants: Milton Bluehouse (DOE/EM-22), Wynona Boyer, (Shoshone-Bannock Tribes), Judith Bradbury (PNL), Pamela DeRensis (DOE/EM-22), Margaret Fernandez (DOE/EM-22), Ken Gray (CTUIR), Janet Hill (Oneida Nation), Margaret Hodge (DOE/AL), Robert Holden (NCAI), Judith Holm (DOE/NTPA), Stephanie Martz (NRC), Stanley Paytiamo (Pueblo of Acoma), Bob Pence (DOE/ID), Wilda Portner (SAIC), Greg Sahd (DOE/WIPP), Elissa Turner (DOE/RW), Catherine Volk (DOE/EM-22), Heather Westra (Prairie Island Indian Community)

Major issues discussed during this meeting included: U.S. Nuclear Regulatory Commission (NRC) Advanced Notice of Proposed Rulemaking (ANPR) on Tribal Prenotification, Tribal Consultation Issue Paper, Regulatory Matrix, and the Umbrella Grant.

Action Items:

- All – Comments to Judith Holm on Consultation Issue Paper (due 3/15)
- W. Portner – Fax copy of Consultation Paper to Wynona Boyer and Bob Pence
- W. Portner – Provide group with copy of Task Plan for TEC/WG Rail Committee, copy of Rail Matrix and copy of Rail Topic Group notes from last session
- All – Comment on regulatory matrix to J. Holm (due 3/31)
- W. Portner – Send Janet Hill information on Tribal Issues Topic Group

Summary:

The NRC ANPR on Tribal Notification was the first topic of discussion. Stephanie Martz reported that some comments have come back on the draft and that she hopes the Notice will be completed within her 6-month tenure.

Judith Holm then announced she would like comments on the draft issue paper entitled Consultation Issues for Tribal Transportation Planning by March 15. DOE is trying to establish a uniform approach to working with Tribes on transportation issues. She wants to tie the paper and consultation process to the Transportation Protocols. Heather Westra stated that it needs to be made clear Tribes that are not now impacted by DOE shipments may be in the future. Judith said she would add that element to the paper.

The next item of discussion was the Regulatory Matrix sent to group members the week before the call. Judith asked participants to review the matrix for its applicability to States/Tribes/Carriers and how it fits into other activities (comments to Judith by end of March). Judith talked with Kevin Blackwell (Federal Rail Administration) before the call. He indicated the Rail Inspection letter is still in the office of DOT's General Counsel. The Chief Counsel wants to make changes that will probably impact the matrix. DOT hopes to have the letter out by mid-March. Wynona Boyer said that shipments will be coming through Shoshone-Bannock lands and that they are not getting anywhere with discussions on inspection rights with DOE or DOT. Judith Holm said the issue is certification required for authority to inspect shipments.

Regarding the Umbrella Grant funding issue, Judith noted that DOE is pushing to get the proposed package in a meeting with DOE staff at the end of March to investigate a hypothetical grant. She will try to get a brief summary of activities to date out to the Funding Topic Group. The issue is being worked internally with the Senior Executive Forum, and she expects a decision from them on whether or not to proceed by May.

In general discussions, Milton Bluehouse brought up the issue of the Navajo Nation's proposal to declare a Nuclear-Free Zone. Judith Holm said the DOE attorneys would need to look into the matter. The community of Oakland in California tried to pass similar ordinance, but DOT said it probably would not stand up in court. Stanley Paytiamo questioned the impact such a resolution would have on the Goshute people. Judith said she didn't know if the resolution would impact another Tribe. It was then brought up that the Utah State government is attempting to take over county roads approaching Goshute and that it is not clear what their motive is. The State Senate has basically approved the action. Mr. Paytiamo then asked what impact this would have on WIPP shipments through Arizona. Milton Bluehouse answered that the proclamation may impact I-40 and that the Acoma Pueblo could be affected. Greg Sahd replied that he has not yet seen the proclamation,

but that I-40 is considered a Federal Interstate Highway. Robert Holden said that as far as Skull Valley is concerned, the State is trying to impose its standards on the Tribe. Judith will attempt to obtain a copy of the proclamation to send out to the group.

Milton Bluehouse informed us that DOE is undertaking a revision of its Indian Policy. Conference calls will be held on March 15, April 15, and May 17, and the Policy will be a topic at the June Council of Energy Resource Tribes meeting. DOE would like Tribal involvement. Interested Tribes should contact Chris Stearns' (Director for Indian Affairs) office at 202-586-5450. Robert Holden said the policy is old and it is important for Tribes to be political partners with DOE.

Ken Gray said he has spoken with Brant Petrsek and Kevin Clarke (DOE/RL) and that a proposal has been submitted for continuation of the Umatilla grant. He also noted that Naval representatives have signed an MOA with Puget Sound about the INEEL spent fuel shipments including training, prenotification, etc.

The next meeting will be via telephone conference call on April 6. The call will begin at 11 a.m. on the East Coast, 9 a.m. Mountain time, and 8 a.m. further west. Call-in number is 301-903-6064.